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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,225

01/20/2006

Hartmut Hof

HM-688PCT

2176

40570

7590

08/27/2009

FRIEDRICH KUEFFNER

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EXAMINER

KARLS, SHAY LYNN

ART UNIT

PAPER NUMBER

3723

MAIL DATE

DELIVERY MODE

08/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,225	Applicant(s) HOF ET AL.	
	Examiner Shay L. Karls	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/20/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

The disclosure is objected to because of the following informalities: The specification includes references to claim numbers (page 6). This is improper and needs to be correct. Claim numbers need to be removed from the specification.

Appropriate correction is required.

Claim Objections

Claims 5-10 are objected to because of the following informalities: Claim 5 includes reference to a figure number. Figure numbers are not allowed in the claims and therefore needs to be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is directed to a method of shaping a roll cleaning brush however the claim includes no limitations directed to any method steps. Instead, the claim includes structural limitations regarding the shape of the brush. A method claims needs to include method steps as claim 1 fails to do so.

Claim 3 recites the limitation "the displaceable work rolls" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the means for displacing the cleaning brush" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the means for displacing the roll" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the strip width" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the empirically known bending deflection" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the empirically known thermal crown of the roll" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Feldmann et al. (USPN 4519233).

Feldmann teaches roll cleaning brushes (52', 53') that is in contact with work rolls (54', 55'). The roll cleaning brushes have a base body (figure 1, portion extending from ends of rolls to be received within frame 49) which are supported at its ends (in frame 49). There is a brush covering (portion of 52' and 53' that is contoured) that is pressed against the work roll with an adjustable force (52''-55''). The brush covering is formed according to the shape of the work roll (figure 1 and col. 2, lines 55-68).

With regards to claim 2, the cleaning brush has a contour that matches the contour of the rolls (figure 1).

With regards to claim 3, the cleaning brush is capable of being displaced in the axial direction (col. 3, lines 40-42).

With regards to claim 4, the means for displacing the brush are synchronized with the means for displacing the roll (controller 50).

With regards to claim 5, the method of operating the cleaning brush is by applying pressure thereto to maintain uniform contact between the cleaning brush and the work roll.

Art Unit: 3723

With regards to claim 6, it is noted that the actual work roll is not positively claimed and therefore, any of the limitations directed to the work roll such as the thermal crown are not given any patentable weight. Therefore, if the work roll were to thermally crown, the cleaning brush would conform by with a symmetrical camber. Since all the structural elements of the claimed invention are found in Feldmann than clearly it would function in the manner claimed if subjected to the same environment.

With regards to claim 7, the cleaning brush and the work roll are both capable of moving axially (col. 3, lines 40-42) and to maintain the constant contact between the two, they would need to move together via the controller (50) and the actuators (52"-55").

With regards to claim 8, if the work roll were moved, the pressure of the cleaning brush would need to be adjusted to maintain the constant pressure via the actuators (52"-55").

With regards to claim 9, the displacing means of the roll is coupled with the displacing means of the cleaning brush via the controller (50) and the actuators (52"-55").

With regards to claim 10, the means for displacing are synchronized in order to maintain constant contact.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Karls whose telephone number is 571-272-1268. The examiner can normally be reached on 6:30-5:00 M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shay L Karls/
Primary Examiner, Art Unit 3723